

1085/4 76 0192 4 29 76 3 850 1 8510 8509 p 76 0192-8

PLAINTIFFS

DEFENDANTS

MOORE, Milton M., and
Sue Kendall Moore

MERRILL LYNCH, PIERCE, FENNER
& SMITH, INC., and CHUCK
BULAND

CAUSE

The basis for the suit is 15 USC 78aa & 15 USC 77v(a). Jurisdiction also rests on various authorities establishing that a private right of action exists for violations of the federal securities regulations act & rules & regulations pursuant thereto. Jurisdiction of the violations of the common law of St. of Ok. rests on doctrine of pendent jurisd. Suite involves negligent & fraud, conduct by brokerage firm & one of its acct, executives,

ATTORNEYS

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For Deponent Dowell Div. of the
Dow Chemical Co.
Wm. James Unruh
Unruh & Leiter
525 Natl. Bank of Tulsa Bldg.
Tulsa, OK 74103

☐ CHECK
HERE
IF CASE WAS
FILED IN
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FILING FEES PAID

DATE	RECEIPT NUMBER	C.D. NUMBER

STATISTICAL CARDS

CARD	DATE MAILED
JS-5	5-1-76
JS-6	7-1-80

B

DATE 1976	NR.	PROCEEDINGS
4-29 5-5	1.	Complaint, filed. Summons issued. b Summons, ret. & filed: served Merrill Lynch, et al by serving The Corporation Co., Ok. City on 5-3-76. (USM \$4.00)g
5-20	2.	Defts' appl. for time til 6-1-76 to answer, filed.k 0 to J
5-24	3	Order filed, granting defts. till 6-1-76 to answer. (AEB-J)s cps. mld.
6-1	4.	Defts' mo/dismiss or in the altern. for stay of proceedings pending arbitration, filed. hm
6-1	5.	Brief in support of defts' mo/dismiss, etc., filed. hm
6-1	6.	MO: Pltfs. directed to file a resp. brief within 10 days to the defts' mo/dismiss, etc. (AEB-J)hm
6-10	7.	Pltfs'. application for enlargement of time till 6-30-76 to file brf. in oppos. to defts'. motion to dismiss, or in the alternative for a stay pending arbitration, filed.s 0 to J.
6-11	8.	Order filed, granting pltfs. till 6-30-76 to file a brief in support of pltfs' motion for summary judgment and in opposition to defts' motion to dismiss.s (AEB-J) cps. mld.
6-30	9.	Pltfs' application for extension of time to respond to motion to dismiss, filed.s 0 to J.
7-9	10.	Order, filed, granting pltfs. til 7-9-76 to respond to mot. to dismiss. (AEB-J)k cps mld
7-9	11	Pltfs' brief in opposition to defts' mot. to dismiss or stay pending arbitration, filed.g
8-11	12.	Defts' brief in reply to pltfs' brief opposing mot. to dismiss or for stay pending arbitration, filed.k
12-30	13.	Order, filed, granting defts' alternative mot. to stay pending arbitration. (AEB-J)k cps mld
<u>1977</u>		
1-13	14.	Pltfs' motion to amend interlocutory order and for leave to appeal, filed.s
1-13	15.	Pltfs' brief in support of pltfs' motion for leave to file interlocutory appeal, filed.s
1-14	MO	It is ordered by the Court that the defts. file a responsive brief w/- in 10 days to pltfs' mot. to amend interlocutory order and for leave to appeal. (AEB-J)k cps mld
1-25	16.	Deft's brief in opposition to pltf's mot. to amend interlocutory order and for leave to appeal, filed.k
6-7	MO	Case referred to Mag. Robert S. Rizley for Findings and Recommendations on all motions. (AEB-J)k
6-23	MO	Case set for hrg. before Mag. on pltfs' mot. to amend interlocutory order and for leave to appeal on 7-8-77 at 11:30 a.m. (RSR-Mag)k ntc by KT
7-8	Min	Case called for hrg. on pltfs' mot. to amend interlocutory order and for leave to appeal. Parties represented. Mot. taken under advisement. Parties directed to submit proposed findings & recommendations within 20 days. (RSR-Mag)k
8-22	17	Findings & Recommendations, filed. Mag. recommends that the Court enter an Order in case no. 76-C-145-B directing arbitration of disputes forming basis of claim for relief herein, in arbitration proceedings to be held in Tulsa, OK, before a NASD arbitration tribunal.

(RSR-Mag)
k
cps
mld

CIVIL DOCKET CONTINUATION SHEET

~~DARROW~~76-C-192-~~B~~

PLAINTIFF		DEFENDANT	DOCKET NO. <u>76-C-192</u>
Milton M. Moore, et al		Merrill Lynch, Pierce, Fenner, etc.	PAGE <u>3</u> OF <u>2</u> sheets XXXX
DATE	NR.	PROCEEDINGS	
1977			
8-22	18	Stipulation of the parties in lieu of hrg. on Order to show cause, filed.k	
9-6	19.	Order, filed, that respondents Milton M. & Sue K. Moore in case no. 76-C-145-B proceed to arbitrate those disputes forming the basis of their claim for relief in case no. 76-C-192-B, in arbitration proceedings to be held in Tulsa, OK, before a NASD tribunal. Further ordered that the stay pending arbitration heretofore entered in case no. 76-C-192-B be continued until such time as any appeal in 76-C-145-B is finally determined or until such time as the arbitration proceedings directed in that case are finally concluded, whichever time is later. (AEB-J)k cps mld	
10-4	----	(SEE ENTRIES ON 76-C-145 RE APPEAL TO TENTH CIRCUIT). rm	
10-14	20	Appelants designations of record on appeal. fld. ho	
10-27	----	Orig. appeal record on 76-C-145 (1 vol) transmitted to USCA.rm	
7-27-78	21	Notice of change of address of Pltf. counsel, Frank Gregory, fld. ho	
1979			
2-5	22	Mandate and opinion of 10th Circuit, filed and spread of record, reversing cause and remanding w/directions to proceed in accordance with views expressed in opinion. rm	
2-5	23	Statement of costs from 10th Circuit, filed and taxed in amt. of \$65 in favor of Milton M. and Sue Kendall Moore and against Merrill Lynch, et al. rm	
3-16	MO	Case transferred to Judge H. Dale Cook. (JCS-Clk)k	
4-12	MO:	CASE SET FOR PT HRG. 4-24-79 at 10:00 a.m.; DISC. TO BE COMP. BY 4-18; PTO OR MEMO TO BE FILED BY 4-20. (HDC-J)hm	
4-17	24	Joint Application to strike from Pretrial docket, fld. b O to J	
4-18	25	Order, fld, striking case from PT docket of 4-24-79; dissolving order of 12-30-76 staying proceeding; & directing defts. to plead or answer within 20 days from this date. (HDC-J)g c/mld	
5-8	26	PLTF INTERROG. TO MERRILL LYNCH, PIERCE, FENNER & SMITH. b	
5-8	27	MOTION TO PRODUCE.b	
5-8	28	REQUEST for consideration of defts' mot/dism. fld 6-1-76.k	
5-8	29	SUPPLEMENTAL BRIEF in support of defts' 6-1-76 mot/dism.k	
5-8	MO	Pltf is granted until 5-21-79 to respond to defts' request for consideration of mot/dism & suppl. brief in support. (HDC-J)k c/m	
5-21	30	APPL/ENLARGE time for pltf's. to respond to defts' request for consideration of mot/dism & suppl. brf. for 10 days.k (O)	

B

COOK

76-C-192

PLAINTIFF		DEFENDANT	DOCKET NO. _____
MOORE, et al		MERRILL LYNCH etc., et al	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1979			
5-21	31	ORDER, granting Pltfs til 5-31-79 to file response to defts request for consideration of pending motion to dismiss & supple. brief in support.(HDC-J)b cps mov	
6-1	32	SUPPL. BRIEF by pltfs. in opposition to defts' mot/dism.k	
6-1	33	FIRST AMENDED COMPLAINT. <u>Jury trial requested.k</u>	
6-4	34	APPL/EXT. until 7-6-79 for defts. to respond to pltf's interrogs. & request for documents.k (0)	
6-5	35	ORDER enlarging time w/in which to respond to Pltf's interrog. & request for documents to 7-6-79(HDC-J)b cps mov	
6-22	36	COMBINED OBJ. & MOT/DISM. of defts. re amended compl.k	
6-22	37	BRIEF of defts. in support of obj. to filing of amended compl. & mot/dism. amended compl.k	
6-22	MO	PLTFS. are ordered to file a responsive brief by 7-5-79 to defts' obj. to filing amended compl. & mot/dism. amended compl. (HDC-J)k m	
7-5	38	RESPONSE of pltfs. to defts' combined obj. to filing of amended comp. & mot/dism. amended compl.k	
7-9	39	ANS. TO PLTFS' INTERROG. of Deft. Merrill Lynch. b	
7-26	40	ORDER, that Defts' Motion to dismiss directed to the Sec.17(a) claim is hereby sustained & the Mot/Dismiss as to the Sec. 10(b) and NASD AND NYSE claims be & same is hereby overruled.(HDC-J)b cps mld	
8-17	41	DEFTS" COMBINED ANSWER to Pltfs' 1st Amended Compl. b cps deft	
9-10	MO:	PT HRG set 11-30-79, 11:30 A.M. PTO or memo due 11-23-79; Discov. to be completed by 11-20-79.(HDC-J)b nts mld	
10-19	MO:	PT HRG. set 11-30 stricken & RESET 12-21 at 11:30 a.m.; disc. to be comp. by 12-11 & PTO or memo to be filed by 12-14. (HDC-J)hm	
10-31	--	DEPOSITION of Charles Paul Buland, by pltfs., on 10-4-79, before Evelyn E. Rutherford, CSR; \$238.50.k	
12-11	42.	FIRST set of interrogs. by defts. to pltf. Milton M. Moore. rm	
12-11	43.	FIRST req/prod. of documents of deft. to Milton M. Moore. rm	
12-11	44.	FIRST set of interrog. of defts. to Sue Moore. rm	
12-11	45.	FIRST req/prod. of documents of deft. to Sue Moore. rm	

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(Rev. 1/75)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
MILTON M. MOORE, et al		MERRILL LYNCH, PIERCE, FENNER & SMITH, INC., et al	PAGE ____ OF ____ PAGES
DATE 1979	NR.	PROCEEDINGS	
12-20	46	JOINT PRETRIAL MEMO. ho	
12-21	MO:	PRE-TRIAL HEARING. Discovery extended to 3-1-80. Pltf. directed to file PTO by 3-10-80. CASE SET FOR JURY TRIAL 5-19-80 at 9:30 a.m. req. instr, voir dire & trial briefs to be filed by 3-24-80. Parties to exchange & mark exhibits prior to trial & to file any objections to exhibits w/Clerk prior to trial. (HDC-J)hm	
<u>1980</u>			
1-24	47	INTERROG., Defts. second set to Pltfs. ho	
2-6	----	(SEE APPEAL RECORD IN 76-C-145 FOR SOME ORIGINAL PLEADINGS FROM THIS FILE.rm)	
2-12	48	APPL. of pltf. for ext. of time to ans. defts. interrog. of 12/12/79 and 1/25/80, and enlarge time to complete discovery. rm - Deft. advises they will respond to appl.	
		w/brief	
2-14	49	COMBINED OBJECTION/of Defts. to Pltfs. appl. for ext. of time to ans. interrog. & complete discovery, MOTION of Defts. to compel Pltfs. to ans. Defts. interrog. & APPL. & BRIEF for continuance of trial date. ho	
2-14	50	NOTICE of Defts. of taking Depo. of Dowell Div. of Dow-Chemical Co. on 2-29-80 in Tulsa, OK. ho s/i	
2-15	51	ORDER, It is ordered 1) Pltfs. shall respond to Defts. first set of interrog. by 2-22-80; 2) Pltfs. shall respond to Defts. second set of interrog. by 2-26-80; 3) all discovery shall be completed by 3-7-80; 4) the parties shall submit a written PTO in the form & manner regularly prescribed by this Ct. by 3-14-80; 5) the parties shall submit trial briefs & any requested voir dire & instructions by 4-1-80; 6) this Cts. previous order setting this cause for jury trial for 5-19-80 shall remain in full force & effect, pursuant to which all exh. shall be exchange 10 days prior thereto, during which 10 day period prior to trial, any obj. to such exhibits shall be exchanged by the parties & filed with this Ct. (HDC-J)ho c/m	
2-19	52	SECOND SET OF INTERROG. of Pltfs. to Defts. ho	
2-22		USM RETURN on dep. sub: served Dowell Div. of Dow Chemical Co. by serving Personnel Mgr. Jimmie Lou Edmondson 2-20-80. (\$6.44)g	
2-22	53	ANSWERS TO INTERROG. by Pltf. Sue K. Moore to Defts. first set of interrog. ho	
2-22	54	ANSWERS TO INTERROG. by Pltf. Milton Moore to Defts. first set of interrog. ho Defts	
2-27	55	ANSWERS to/2nd interros by plaintiffs. g	
2-28	56	DEPONENT DOWELL designation of witnesses & obj. to sub. ho	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO <u>76-C-192</u>
MILTON M. & SUE KENDALL MOORE		MERRILL LYNCH, et al	PAGE <u>6</u> OF <u>3</u> PAGES
DATE 1980	NR.	PROCEEDINGS	
3-6	57	JOINT APPL. for Order continuing 5-19-80 trial date & rescheduling certain pretrial events.k <i>0.3.20.1-1-1 3-7-80</i>	
3-12	58	ORDER, It is ordered that discovery is to be completed by 6-2-80; PTO due 6-27-80; trial briefs, requested voir dire & instructions due 8-1-80; case set for jury trial 8-18-80 all exhibits shall be exchanged 10 days prior during which 10 days period any objections to such exhibits. shall be exchanged by the parties & filed with this Ct. (HDC-J)hoc/m	
3-21	--	DEPO. of Milton M. Moore taken on behalf of Defts. on 10-23-79 before Frank L. Peterson, CSR, w/fees of \$204.00 pd. by Defts. ho	
3-21	--	DEPO. of Sue Kendall Moore taken on behalf of Defts. on 10-23-79 before Frank L. Peterson, CSR, w/fees of \$120.00 pd. by Defts. ho	
3-24	59	DEFTS. COMBINED APPL. for ext/time to respond to pltfs' 2nd set of interrogs. g	
3-25	60	ORDER granting defts. to 4/5/80 to respond to pltf. 2nd set of interrogs. (HDC-J)rm-c/movant	
4-7	61	DEFTS' ans. to pltfs' second set of interrog. hm	
4-7	62	DEFTS' combined mo/compel ans. to defts' first set of interrog. & for prod. of related documents. hm	
4-7	63	DEFTS' brief in support of their mo/compel. hm	
4-7	MO	PLTFS ordered to file resp. brief on or before 4-21 to defts' combined mo/compel ans. to defts' first set of interrog. & for prod. of related documents. (HDC-J)hm (letter written parties)	
4-14	64	REQUEST FOR PRODUCTION of documents, Pltfs. second request to Defts. ho	
4-17	65	BRIEF of pltf. in response to deft. combined mos/compel. rm	
4-22	66	REQUEST FOR ADM. of Pltfs. to Defts. ho	
4-22	67	COMBINED MOTION of Defts. for S/J or in the alternative for the dismissal or stay of Pltfs. State Law Claims. ho	
4-22	68	COMBINED BRIEF of Defts. in supp. of mot. for S/J or in the alter. for dismissal or stay of Pltfs. State Law Claims. ho	
4-22	MO	ORDER, Pltfs. are ordered to file a responsive brief by 5-5-80 to Defts. Combined mot. for S/J or in the alter. for dismissal or stay of Pltfs. State Law Claims. (HDC-J)ho c/m	
4-30	69	NOTICE of taking dep. of Alan Poole in N.Y. 5-13-80. g	
5-5	70	MOTION of Pltfs. for ext. of time to ans. Defts. mot. for S/J or in alter for dismissal or stay of Pltfs. state law claims. ho O	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>76-C-192</u>
Milton Moore		Merrill Lynch	PAGE <u>7</u> OF <u>4</u> PAGES
DATE 1980	NR.	PROCEEDINGS	
5-6	71	ORDER granting pltfs. to 5/25/80 to respond to defts. mo/SJ or dismissal or stay. (HDC-J)rm - c/m	
6-12	72	JOINT STIPULATION FOR DISMISSAL re amended compl.k <i>oto be in</i>	
6-17	73	ORDER of DISMISSAL that case pltf amended complaint are dismissed that prejudice with each side to bear its own costs and attorney fees. (HDC-j)mm. copies mailed.	
7-11	--	DEPOSITIONS returned to parties. hm	

PLAINTIFF		DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	